

REMARKS**Summary of the Office Action**

Claims 24 and 25 stand objected to because of alleged informalities.

Claim 30 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Koyama (U.S. Patent No. 6,556,234) (hereinafter "Koyama") in view of Azuma (JP 10-124936) (hereinafter "Azuma").

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Koyama in view of Nanbu et al. (U.S. Patent No. 5,321,486) (hereinafter "Nanbu").

Claim 25 stands 35 U.S.C. § 103(a) as being unpatentable over Koyama in view of Minami et al. (U.S. Patent No. 6,712,464) (hereinafter "Minami").

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Koyama in view of Tatsuno et al. (U.S. Patent No. 5,281,797) (hereinafter "Tatsuno").

Summary of the Response to the Office Action

Claims 27 and 30 have been canceled without prejudice or disclaimer. Applicants have amended claims 24 and 25, and added new claims 58-88, to differently describe embodiments of the disclosure of the instant application's specification and/or to improve the form of the claims. Accordingly, claims 24, 25 and 58-88 are currently pending for consideration.

Claim Objections

Claims 24 and 25 stand objected to because of alleged informalities. Claims 24 and 25 have been amended to differently describe embodiments of the disclosure of the instant application and to improve the form of the claims. Accordingly, withdrawal of the objections to claims 24 and 25 is respectfully requested.

Rejections under 35 U.S.C. § 102(e) and 103(a)

Claim 30 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Koyama in view of Azuma. Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Koyama in view of Nanbu. Claim 25 stands 35 U.S.C. § 103(a) as being unpatentable over Koyama in view of Minami. Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Koyama in view of Tatsuno. Applicants have canceled claims 27 and 30 without prejudice or disclaimer, rendering the rejections of these claims moot.

Applicants respectfully submit that the applied Minami reference does not qualify as prior art against the instant application. A verified English-language translation of the instant application's Japanese priority document (Japanese patent application no. 2000-098926) was filed in this application on September 1, 2005. Accordingly, Minami's U.S. filing date of April 7, 2000 does not predate the March 31, 2000 filing date of the instant application's Japanese priority document. Withdrawal of the rejection applying Minami is respectfully requested.

Applicants have also amended claims 24 and 25 to differently describe embodiments of the disclosure of the instant application's specification. To the extent that the current rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicants respectfully submit that embodiments of the disclosure of the instant application describe that character data is automatically acquired to generate the visible image pattern. Applicants respectfully submit that the source of character data, for example, may be some external equipment such as a CS (Communications Satellite) tuner, a BS (Broadcast Satellite) tuner, a CD (Compact Disk) player, a MD (Mini Disk) player, a DVD (Digital

Versatile Disk) player or the like, as described in pages 8 and 9 of the present application.

However, Applicants respectfully submit that the character data does not necessarily need to come from external equipment. For instance, although not explicitly described in the specification, a satellite tuner may be incorporated in the digital audio system 1. Also, as described in connection with the second mode (the internal data recording mode) described at the first full paragraph of page 15 and paragraphs from page 26, line 4, of the specification of the instant application, the character data can also be acquired from the TOC data of a finalized CD-R.

Applicants respectfully submit that, as implied from the word “automatically” discussed previously, the instant application’s above-discussed feature of automatically acquiring character data to generate the visible image pattern advantageously eliminates toil on the user that would otherwise be imposed by requiring the user to physically enter the information when performing a pit-art recording. This feature has been added to the newly-amended independent claims 24 and 25 of the instant application.

Another advantageous feature of embodiments of the disclosure of the instant application involves the automatic editing of the image data (pit-art data) obtained from the automatically acquired character data. This automatic editing feature is described, for example, at pages 18 and 19 of the instant application’s specification, and was already described in the previous versions of independent claims 24 and 25. However, the descriptions of this feature have been revised in each of newly-amended independent claims 24 and 25.

Applicants respectfully submit that the combination of automatic acquisition of character data and the automatic editing of the image data, as described in newly-amended independent

claims 24 and 25 of the instant application, results in a significant advantage over other arrangements in that it greatly facilitates the overall process by eliminating user intervention.

Applicants respectfully submit that if only the automatic acquisition of character data is performed without automatic editing, a possibility exists that the resultant visible image pattern (pit-art) will not properly match the unrecorded area of the recording disk. Because the recording area of a recording disk has an annular shape, the unrecorded area may not be sufficient to contain the visible image pattern produced from the automatically acquired character data. Accordingly, the combination of these features, as particularly described in each of newly-amended independent claims 24 and 25 of the instant application, overcomes such problems. In addition, the automatic editing of the image data feature of the instant application eliminates the need for the user to physically perform tedious editing tasks.

Accordingly, for at least the foregoing reasons, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(e) and 103(a) should be withdrawn. In particular, claims 27 and 30 have been canceled without prejudice or disclaimer. Also, as discussed above, the secondary reference of Minami applied against independent claim 25 does not qualify as prior art against the instant application. Finally, independent claims 24 and 25 have been amended as described in detail in the foregoing discussion.

It is respectfully submitted that neither of Koyama nor Nanbu, whether taken singly or combined, teach or suggest each feature of independent claim 24 or 25, as amended. As pointed out in MPEP § 2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).”

Newly-Added Claims

Applicants have added new claims 58-88 to differently describe embodiments of the disclosure of the instant application. Of these new claims, independent claims 64, 71 and 78 are in condition for allowance for similar reasons as discussed above with regard to newly-amended independent claims 24 and 25. In addition, the newly-added dependent claims are in condition for allowance at least because of their dependence on independent claim 24, 64, 71 or 78, and the reasons set forth in the foregoing discussions.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request withdrawal of all outstanding objections and rejection, and request the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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